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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/816,972

04/01/2004

Frederick C. Boyns

175-231T-1

1679

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10/05/2005

EXAMINER

GOINS, DAVETTA WOODS

ART UNIT

PAPER NUMBER

2632

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/816,972	BOYNS	
	Examiner	Art Unit	
	Davetta W. Goins	2632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 14-22 and 24-37 is/are rejected.
- 7) ☒ Claim(s) 10-13 and 23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/16/04</u> .   | 6) <input type="checkbox"/> Other: ____.                                    |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 3 is objected to because of the following informalities: In line 2, the “.” After the word “sequence” should be replaced with a “,”. Appropriate correction is required.

### ***Allowable Subject Matter***

2. Claims 10-13, 23, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 16-22 and 24-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Reisman (US Pat. 6,144,619).

In reference to claims 1, 16, 21, 24-34, Reisman discloses the claimed display system, memory system, alarm element, oscillator, controller with peripheral or integral counter, and first input element for sending user actuated signals to the controller wherein the controller is connected to the display system, the alarm element and memory system and wherein a user can store a

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plurality of approach times into the memory and the approach times can be recalled and displayed simultaneously by the display system with an indicator having a relationship to approach times to inform a user that the time displayed is the approach time, which is met by displays buttons 1-17, which are anonymous with those depicted in FIG. 1. Also displayed is the signal flow diagram for the integrated circuit. These sections interact to form the entirety of the circuit, which controls the various functions of the flight watch/device. Various timer circuits 60-63, each written in software within the master integrated circuit, runs as count up or count down timers. A timer circuit 60, written in software within the master integrated circuit, that runs as a count up or count down timer. Timer counter one may be used as an engine run timer. Timer counter one may be used for final approach fix to missed approach point, time to fix, fuel tank switching, timed turns, or holding pattern timing (col. 9, lines 11-67).

In reference to claims 16, 17, 20, Reisman discloses the claimed fuel tank switching time can be entered into the memory of the portable timer, which is met by the pilot calculates flight duration, fuel on board, and fuel consumption (col. 12, lines 64-67).

In reference to claims 18, 22, Reisman discloses the claimed displaying a note on the portable timer, the note having static numerical data, which is met by information window 19 including information indicators 21-26 and 28 (Figure 1).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-9, 14, 15, and 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reisman.

In reference to claim 2, although Reisman does not specifically disclose the claimed plurality of approach times associated with a unique identifier displayable by the display system simultaneously, he does disclose a plurality of timer circuits 60-65, each that can be used as a count up or count down timer for a time specific to the plane, e.g., timer circuit 63 could be a counter use for final approach fix to missed approach point (col. 9, lines 37-56). Since Reisman discloses a system that includes a plurality of timer circuits with different count down periods, it would have been obvious to one of ordinary skill in the art at the time of the invention to include a plurality of approach times with a unique identifier displayable by the display system for the timer, to ensure the flight operator isn't confused with each timed approach.

In reference to claims 3-5, Reisman discloses the claimed flight timer is capable of driving a second counting sequence simultaneously with, but independently from, the countdown sequence, the second counting sequence being displayable in association with information indicating the relationship of the second counting sequence to fuel, which is met by various timer

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circuits 60-63, each written in software within the master integrated circuit, runs as count up or count down timers. Display buttons 1-17 control the various functions of the flight watch/device (col. 9, lines 11-67).

In reference to claims 6, 8, 9, Reisman discloses the claimed controller configured to activate the alarm element when the countdown sequence reaches a value of zero, which is met by circuit 97 written in software within the master integrated circuit, that controls acceptance of instruction to engage alarms and distributes the proper response to the correct alarm (col. 11, lines 13-46).

In reference to claim 7, Reisman discloses the claimed first alarm element produces an audible alarm and a second alarm element that is a light, which is met by visual alarm of the clock may include flashing to show when the clock has expired and audio alarms may include a number of beeps (col. 11, lines 25-33).

In reference to claims 14, 15, 35-37, although Reisman does not specifically disclose the claimed attachment member connected to the back portion of the flight timer that may be a clip, he does disclose that the flight timer is a watch device (col. 7, lines 11-18; Figure 1). Since Reisman discloses a timer in the form of a watch, it would have been obvious to one of ordinary skill in the art at the time of the invention to use any type of attachment that will allow the device to be easily carried and/or propped for easy viewing while during flight.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davetta W. Goins whose telephone number is 571-272-2957.

The examiner can normally be reached on Mon-Fri with every other Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



D.W.G.

October 1, 2005

Davetta W. Goins  
Primary Examiner  
Art Unit 2632